

Minutes of September 13, 2002 Meeting  
650 N. La Cadena Drive  
Colton

1. Chair Beswick called the meeting to order at 8:25 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair  
Fred Ameri, Vice-Chair  
Seymour Van Gundy  
Joan Dotson  
Karen Stein  
William Ruh  
John Withers

Jose Solorio

Staff Members Present

Gerard J. Thibeault, Executive Officer  
Kurt V. Berchtold, Assistant Executive Officer  
Robert L. Holub, Supervising Water Resource Control Engineer  
Joanne E. Schneider, Environmental Program Manager  
Ann E. Sturdivant, Chief, Slic/DOD AGT Section  
Kamron Saremi, Water Resources Control Engineer  
Kevin P. Heinemann, Associate Information Systems Analyst  
Barbara Laffoon, Executive Assistant

State Board Representative

Peter Silva

Legal Counsel

Ted Cobb  
Jorge Leon

Public Attendance

Edward L. Bertrand, Best Best & Kreiger  
Pat King, State Senator Nell Soto  
John Key, BLM, California Desert District  
Greg Woodside, Orange County Water District  
Bob Tinchler, San Bernardino Valley Municipal Water District  
Jerry Eagas, West San Bernardino County Water District (WSBCWD)  
Anthony Araiza, West San Bernardino County Water District  
Richard Orr, Kleinfelder  
Rosanna Loan, Caltrans, San Bernardino

2. Public Forum

There were no speakers for this item.

Agreement with Members of the Inland Empire Perchlorate Regulatory Task Force – (continued from September 6, 2002 meeting)

Information pertaining to this item is contained in a verbatim transcript.

Assistant Executive Officer Kurt Berchtold presented this item. He reminded the Board that their consideration of the proposed agreement was continued from the September 6, 2002, Board meeting to allow interested parties to comment on draft changes proposed at that time. In response to comments by interested parties, Mr. Berchtold presented minor additional changes, intended to assure conformance of the language with the authorization provided by Water Code Section 13304(b)(4). He noted that the additional changes had not yet been reviewed/approved by the Task Force.

Speakers to this item were:

Craig Moyer, Manatt, Phelps & Phillips, counsel for Goodrich Corporation  
The Honorable Nell Soto, Thirty-second State Senatorial District  
Steven Elie, Inland Empire Perchlorate Task Force (IEPTF), Musick, Peeler & Garrett  
Katharine Wagner, Downey, Brand, Seymour & Rohwer, counsel for American Promotion Events  
West  
Robert Wyatt, Allen, Matkins, Leck, Gamble & Mallory LLP, counsel for Kwikset Corporation  
Eric Fraser, City of Colton

There was discussion among the Board with regard to attorneys functioning as the contact persons for the agencies involved in the agreement. The Board requested that the designated contact persons for the water agencies be employees rather than attorneys.

Action: It was moved by Member Ruh, seconded by Member Dotson, and unanimously approved that the Board ratify the Agreement incorporating the changes proposed by staff and the additional changes as outlined by Counsel Cobb.

3. Hearing on Petitions Filed by Goodrich Corporation and Kwikset Corporation for Review of Cleanup and Abatement Order (CAO) R8-2002-0051  
And
4. Order No. 58-2002-0071, Amending Cleanup and Abatement Order No. RB8-2002-0051

Information pertaining to this item is contained in a verbatim transcript.

Chair Beswick presented the Chair's opening statement.

Board Member John Withers left the meeting at 1:00 p.m.

#### LUNCH RECESS

The Board was recessed from 12:25 – 1:00 p.m.

#### RECOVENE MEETING:

Speakers for the Board staff:

Gerard Thibeault  
Robert Holub  
Jorge León  
Kurt Berchtold

Speakers for the IEPTF:

Barry Groveman, Music, Peeler & Grant  
Anthony Araiza, WSBCWD  
Eric Fraser, City of Colton

Speakers for the Goodrich Corporation:

Craig Moyer, Manatt, Phelps & Phillips  
Frank Rovers, Conestoga-Rovers and Associates

Speakers for Kwikset Corporation:

Robert Wyatt, Allen, Matkins, Leck, Gamble & Mallory  
Dr. David Dilahay  
Dr. George Linkletter, Environ

Speakers for Emhart and Black & Decker:

Henry Lerner, Allen, Matkins, Leck, Gamble & Mallory

#### CLOSED SESSION

Board Counsel Ted Cobb cited the reason for moving to a closed session to discuss testimony presented and noted that, if the Regional Board determined that the corporate succession was an important issue, further briefing on the subject would be permitted.

The Board entered closed session at 5:10 p.m.

#### RECONVENE OPEN SESSION

The Board returned to open session at 5:52 p.m.

Action: It was the decision of the Board that CAO Order No. RB8-2002-0051 be rescinded and that the Executive Officer be directed to issue Section 13267 letters to all potentially responsible parties (PRPs), directing them to submit plans to investigate the perchlorate contamination as quickly as possible. The Board also directed that the 13267 letters include language that would provide an incentive for PRPs to provide alternative water supply as a credit for some site investigation work.

\*(Note: Subsequent to the Board's meeting, the Chair determined that the Board would deliberate in public on this matter at its meeting of October 25, 2002. Readers should view the Minutes of the October 25, 2002 meeting for final action on this item.)

The Board stressed its concern about the immediate water supply concerns posed by the perchlorate contamination. The Board felt that this rescission action might circumvent major legal delays, which would prolong or prevent a timely cleanup.

#### 5. Adjournment

The meeting was adjourned to the regular meeting of October 25, 2002, at 9:00 a.m., at the City Council Chambers of Corona.

Respectfully submitted:



GERARD J. THIBEAULT  
Executive Officer